

BOARD OF APPEALS CASE NO. 5228

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BEFORE THE

APPLICANTS: John & Mary Hicks

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ZONING HEARING EXAMINER

**REQUEST: Variance to construct an addition
within the required rear yard setback;
1040 Alexandria Way, Bel Air**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 2/20/02 & 2/27/02

HEARING DATE: April 3, 2002

Record: 2/22/02 & 3/1/02

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ZONING HEARING EXAMINER'S DECISION

The Applicants, John and Mary Hicks, are requesting a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to allow an addition within the required forty (40) foot rear yard setback (thirty-four [34] feet proposed) in an R2 Urban Residential District.

The subject parcel is located at 1040 Alexandria Way, Bel Air, Maryland 21014 and is more particularly identified on Tax Map 48, Grid 1D, Parcel 65, Lot 65. The parcel consists of 0.238± acres, is currently zoned R2/Urban Residential District and is entirely within the Third Election District.

Mr. John Hicks appeared and testified that he proposes to build a 22-foot by 27-foot addition with basement on the rear of his existing two-story home to be used as a family recreation room. There is an existing two level deck and much of it will remain as part of the new addition. Only a small corner of the proposed addition will encroach into the setback, not the entire structure. The house to the rear is approximately 134 feet away from the subject addition and between the two houses there are trees and shrubs. The lot angles to the rear lot line and is gently rolling, dropping in elevation as you go rearward on the lot.

The Department of Planning and Zoning found the topography of the lot unique and concluded that the small encroachment of one corner of this addition would not result in adverse impacts to neighboring properties. The house to the rear has a very deep lot and will still be 134 feet away from the addition when completed. There are existing trees and shrubs between the two lots that provide screening and privacy.

There were no persons that appeared in opposition to the Applicants' request.

CONCLUSION:

The Applicants, John and Mary Hicks, are requesting a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to allow an addition within the required forty (40) foot rear yard setback (thirty-four [34] feet proposed) in an R2 Urban Residential District.

The Harford County Code, pursuant to 267-11 permits variances and provides:
“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”

The Hearing Examiner agrees with the Department of Planning and Zoning and the Applicant and finds, for the reasons stated above, that the subject property is unique and that allowing the requested variance will not result in adverse impacts to neighboring properties or materially impair the purpose of the zoning code.

The Hearing Examiner recommends that the variance be approved subject to the Applicants obtaining any and all necessary permits and inspections.

Date: APRIL 19, 2002

William F. Casey
Zoning Hearing Examiner